

Remarks

Admissibility of amendments

The amendments submitted herewith are admissible under 37 CFR 1.116(b)(2) and (3):

' After a final rejection or other final action (§ 1.113) in an application ...:

- (1) [...]
- (2) An amendment presenting rejected claims in better form for consideration on appeal may be admitted; or
- (3) An amendment touching the merits of the application or patent under reexamination may be admitted upon a showing of good and sufficient reasons why the amendment is necessary and was not earlier presented."

In response to the first office action, Applicants amended to include the limitation that the pattern of data to be recognized corresponded to one or more words or phrases, thereby overcoming the ground of rejection presented.

In the final rejection, the Examiner presented a new and previously unseen reference (Char), which was alleged to disclose the features of amended claim 1. Applicants therefore now present a new amendment to the claims which is necessitated solely by the new citation and which was not presented earlier because the Examiner has only cited Chan for the first time in the final rejection. Accordingly, the amendment, which touches on the merits of the application may be admitted under 37 CFR 1.116(b)(3).

It is further submitted that the rejected claims must be in a better form for consideration on appeal if this amendment is admitted under 37 CFR 1.116(b)(2), because the claims would otherwise be presented for appeal in the same condition in which they existed before the sole reference on which the rejection is based was made known to Applicants. In other words, if appeal is to be made against the rejection (in the event that the rejection is maintained), the claims for consideration on appeal should take account of the sole reference.

Claim rejections 35 USC § 102

Independent claim 1 has been amended to include the limitation that, upon recognizing the pattern of data corresponding to one or more predefined words or phrases, the alert which is issued "is effective to provide said agent with information which is available to a system of the contact centre and which appears relevant to the one or more predefined words or phrases located in the received voice data exchanged in the communications sessions". Corresponding amendments have been made in independent claims 19-21.

The limitation now made in the independent claims largely corresponds to the subject-matter of former claim 3 (which is now cancelled without prejudice). Applicants therefore wish to address the rejection which was made against former claim 3 (now relevant to amended claim 1).

The Office Action stated:

"With respect to claim 3, Chan plainly teaches providing the agent with the customer profile (information which is available to a system of the contact center and which appears relevant to the data exchanged in the communications session".

The only relevant passages in this regard to be found in Chan are the following:

"A database is maintained of existing customers. Customer records may be displayed on call center agent terminals as the call center agent converses with specific customers. The communications system may transfer an identifier of the customer to the database based upon an automatic number identification (ANI) facility, operating from within the PSTN. A host computer, in turn, displays the customer records via a computer terminal of the selected call center agent at the time the call is delivered." [column 1, lines 27-35] and

"Where ANI information is delivered along with the call, the workstation (2, 5, or 12) may use the ANI information as a file identifier to retrieve customer information from the database 7. " [column 3, lines 39-42]

The only other mentions throughout Chan of the customer profile, refer to the suggestion that a customer's profile might be used to tailor the criteria for deciding when an alert is justified (e.g. Chan suggests that a customer from a Southwestern state may address the agent using the word "sugar" which would typically be considered inappropriate, but might be considered normal for that customer after consulting the monitoring profile of that customer [column 5, lines 1-5]).

Firstly, although Applicants do not dispute that the profile in Chan might be seen as information which is available to a system of the contact center, it is not an alert issued during the communications session based on the recognition of words or phrases in the voice data as claim 1 requires.

Secondly, the profile in Chan is not information which "appears relevant to the one or more predefined words or phrases located in the received voice data exchanged in the communications session." In Chan, the profile is information which is identified as relevant to the intrinsic call transport data retrieved before the voice data has even commenced.

Thirdly, there is not teaching whatsoever in Chan of providing an alert to an agent as claim 1 requires. In Chan, the alerts or notifications triggered by detection of problem calls are invariably directed to the supervisor and not to the agent.

For the above reasons, Applicants respectfully submit that claim 1 is patentable over Chan. These arguments also apply to the remaining independent claims.

In view of the amendments and arguments made herein, the applicants respectfully request the examiner withdraw the rejections, and allow the application.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "William M. Lee, Jr.", written over a horizontal line.

William M. Lee, Jr.

Registration No. 26935

Barnes & Thornburg LLP

P.O. Box 2786

Chicago, Illinois 60690-2786

(312) 214-4800

(312) 759-5646 – Fax